

1 BRIAN J. STRETCH (CABN 163973)  
United States Attorney

2 BARBARA J. VALLIERE (DCBN 439353)  
3 Chief, Criminal Division

4 JULIE D. GARCIA (CABN 288624)  
Assistant United States Attorney

5 450 Golden Gate Ave., Box 36055  
6 San Francisco, California 94102  
7 Telephone: (415) 436-6473  
8 Fax: (415) 436-7234  
Julie.Garcia@usdoj.gov

9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION  
13

|                              |   |  |
|------------------------------|---|--|
| 14 UNITED STATES OF AMERICA, | ) | CASE NO. 3:17-MJ-70631-MAG                 |
| 15 Plaintiff,                | ) |  |
| 16 v.                        | ) | <b>UNITED STATES' NOTICE OF MOTION AND</b> |
| 17 BRYAN PETERSEN,           | ) | <b>UNOPPOSED ADMINISTRATIVE MOTION TO</b>  |
| 18 Defendant.                | ) | <b>SEAL</b>                                |
| 19                           | ) |  |

20 **NOTICE OF MOTION**

21 Pursuant to Criminal Local Rule 56-1, the Government hereby submits this unopposed motion  
22 for an order sealing portions of Exhibit D and the entirety of Exhibits C and E to the Declaration of Julie  
23 D. Garcia in Support of United States' Motion to Revoke Release Order and to Order Bryan Petersen  
24 Detained (ECF No. 21 ("Garcia Declaration")). This motion is based upon this Notice of Motion, the  
25 attached Memorandum of Points and Authorities, the files and records in this case, and any other  
26 evidence or argument that may properly be presented to the Court.

27 //

28 UNITED STATES' ADMINISTRATIVE MOTION TO FILE EXHIBITS UNDER SEAL  
3:17-MJ-70631-MAG

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 The Government makes the following showing in support of its unopposed Motion:

3 Exhibit C to the Garcia Declaration is a CD containing a true and accurate copy of an audio  
4 recording of an interview with Defendant Bryan Petersen. The Government respectfully requests that  
5 this Exhibit be sealed, because it contains personally identifiable information of the Defendant and of  
6 the victims in this case, including minor victims. *See* Fed. R. Crim. P. 5.2 (requiring parties to redact  
7 from filings personally identifiable information and the names of minors); 18 U.S.C. § 3771(a)(8)  
8 (providing, as part of the Crime Victims' Rights Act, that victims of a crime have "the right to be treated  
9 with fairness and with respect for [their] dignity and privacy"). The audio recording also contains law  
10 enforcement-sensitive information relating to ongoing investigations that are not public, including  
11 references to targets who have not been charged. *See* Crim. L.R. 56-1 (noting that sealing is appropriate  
12 where "the safety of persons or a legitimate law enforcement objective would be compromised by the  
13 public disclosure of the contents of the document"). The Government therefore respectfully requests  
14 that Exhibit C be sealed in its entirety.

15 Exhibit D to the Garcia Declaration is a true and accurate copy of excerpts of Kik messages  
16 exchanged between Petersen and Defendant Ryan Michael Spencer with the names of minor victims, the  
17 minor victims' faces, and explicit portions of the images redacted or blurred.<sup>1</sup> In accordance with  
18 Criminal Local Rule 56-1(c)(2)(D), this Exhibit is marked "DOCUMENTS SOUGHT TO BE  
19 SEALED" and indicates, using red boxes, the portions of the document that are redacted from the  
20 proposed redacted version marked "REDACTED VERSION OF DOCUMENTS SOUGHT TO BE  
21 SEALED." The proposed redacted version redacts, in addition to the material redacted from the sealed  
22 version, all of the photographs the two Defendants exchanged, because those images constitute  
23 contraband and could be used to identify the minor victims in this case. *See* 18 U.S.C. § 3771(a)(8)  
24 (providing, as part of the Crime Victims' Rights Act, that victims of a crime have "the right to be treated  
25

---

26 <sup>1</sup> Because Exhibit D contains contraband and references to minor victims, the Government is not  
27 submitting a fully unredacted version to the Court under seal. Rather, even the sealed version of Exhibit  
28 D redacts the names of the minor victims, redacts the minor victims' faces, and blurs portions of the  
images the two Defendants exchanged.

1 with fairness and with respect for [their] dignity and privacy”); Crim. L.R. 56-1 (noting that sealing is  
2 appropriate where “the safety of persons or a legitimate law enforcement objective would be  
3 compromised by the public disclosure of the contents of the document”).

4 Exhibit E to the Garcia Declaration is a true and accurate copy of a compendium of victim  
5 impact statements submitted by parents of some of the minor victims. In addition to containing the  
6 parents’ names, these statements are replete with other highly sensitive information relating to the minor  
7 victims that, taken together, could be used to identify them. Under the Crime Victims’ Rights Act,  
8 victims have the right “to be reasonably heard at any public proceeding in the district court involving  
9 [the defendant’s] release,” and they also have “the right to be treated with fairness and with respect for  
10 [their] dignity and privacy.” *Id.* § 3771(a)(4), (a)(8). Accordingly, the Government respectfully requests  
11 that these victim impact statements be sealed in their entirety.

12 For the foregoing reasons, the Government respectfully requests that the Court permit it to file  
13 these Exhibits under seal.

14  
15 DATED: May 5, 2017

Respectfully submitted,  
BRIAN J. STRETCH  
United States Attorney

18 /s/  
JULIE D. GARCIA  
19 Assistant United States Attorney